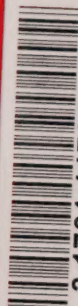


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How the Law Applies To

FIREARMS LEFT IN A WILL

The *Firearms Act* and regulations brings about changes that affects all firearm owners and users in Canada. This fact sheet will be of interest to you if:

- you inherit firearms; or
- you are the executor of an estate that contains firearms.

IF YOU ARE THE HEIR

Before taking possession of the firearms, you need the approval of a provincial or territorial Chief Firearms Officer (CFO). To get approval, you must:

- be at least 18 years old; and
- have a "Possession and Acquisition Licence" for the class or classes of firearms being inherited. (See below). A valid Firearms Acquisition Certificate (FAC) will serve as a licence until it expires.

Possession and Acquisition Licences (Form JUS 670)

Under the *Firearms Act* everyone who inherits firearms or acquires them by any other means needs a Possession and Acquisition Licence (or a valid FAC). The licence will indicate what class or classes of firearms you are allowed to have. The three classes are:

- **non-restricted** (most hunting rifles and shotguns);
- **restricted** (mainly handguns); and
- **prohibited** (mainly automatic and converted automatic firearms, or handguns with a barrel length of 105mm or less, or that fire 25 or 32 calibre cartridges.)

In most cases, to get a Possession and Acquisition Licence for any type of firearm, you must pass the Canadian Firearms Safety Course.

To get a Possession and Acquisition Licence for **restricted firearms** (mainly handguns), you must show that you will be using the firearms for a "permitted purpose" such as gun collecting, target shooting or, in very limited circumstances, for lawful employment purposes.

In most cases, to hold a licence for **prohibited** firearms, you must have "grandfathering rights" for each category of prohibited firearm that you will be inheriting. "Grandfathering rights" allow people who already legally own a prohibited firearm to keep that firearm and to get more of a similar type. The main categories of prohibited firearms are:

- full automatics;
- converted automatics;
- 25 or 32 calibre handguns, or handguns with a barrel length of 105 mm or less; and
- firearms prohibited by Order in Council

Exception: You and your heirs do not need grandfathering rights to inherit 25 or 32 calibre handguns, or handguns with a barrel length of 105 mm or less if:

- the handgun was manufactured before 1946, **and**
- it is being passed down to a spouse, brother, sister, child or grandchild **and**
- the handgun is used for a "permitted purpose." (See above.)

For more information on firearms licences and grandfathered firearms, please refer to the fact sheets, "I Own a Firearm" and "I Own a Grandfathered Prohibited Firearm."

Note: *You will generally be given a reasonable amount of time to get a Possession and Acquisition Licence. Until then, the firearms must remain with the executor of the estate, or with another person allowed by law to have them.*

Registration

Your inherited firearms must be registered to you before you can take possession of them. This is part of the transfer approval process required by the *Firearms Act* regulations when any firearms change hands. You will receive a separate registration certificate for each firearm you register.

Fees

Licence Fees: A five-year Possession and Acquisition Licence costs \$60 for non-restricted firearms, or \$80 for restricted and prohibited firearms. (A licence for restricted or prohibited firearms will also let you acquire non-restricted firearms.)

Registration Fees: Firearms inherited before December 1, 1998 can be registered for one flat

rate of \$10 if you register them all at the same time. Normally, the fee for registering firearms acquired after December 1, 1998 is \$25 per firearm. However, if you inherit a number of firearms from a single estate, you will only have to pay for up to 10 firearms (a maximum of \$250.) The fee for the remainder will be waived. This waiver does not apply to quantities of firearms acquired by other means.

Exceptions for Sustenance Hunters: If you hunt to sustain yourself or your family, you will not have to pay a licence fee or registration fees for **non-restricted** firearms. Contact your provincial or territorial Chief Firearms Officer to see if you meet the requirements for "sustenance hunter" in your province or territory.

IF YOU ARE THE EXECUTOR

While the firearms laws set out what firearms may be passed on, and what paperwork is needed, the role of the executor is determined by estate laws. These may vary from province to province. In general, they are based on well-established legal principles and on governing laws in each province or territory.

As an executor, you generally have the same rights as the deceased did to possess the firearms. If the firearms were illegally owned – for example, they are unregistered handguns – you must turn them in to the police. However, if the deceased owned them legally, you can hold onto them temporarily (unless a court order prohibits you from having firearms) while you handle their distribution as part of the estate. You do not need a Possession and Acquisition Licence or FAC to do so. However, if you are also an heir, you will need either a Possession and Acquisition Licence or an FAC to transfer ownership of firearms from the estate to yourself.

Distributing Firearms to the Heirs

Before letting an heir take possession of an inherited firearm:

- you must get a "transfer approval" from a provincial or territorial Chief Firearms Officer (CFO); and
- the firearm must be registered to the heir.

For transfer and registration application forms, as well as information on the firearms laws, call 1 800 731-4000.

Until the estate is settled and the heir can legally take the firearms, they must remain in the possession of someone allowed by law to have them. If you do not wish to hold onto them yourself, you may, for example, leave them with a licensed adult (18 years or older) or with a business licensed to store firearms.

Ineligible Heirs or Unwanted Firearms

If there is no eligible heir, or if the heir does not want the firearms, the estate may sell, give or trade the firearms to any individual, museum or business with a licence to acquire those particular types of firearms. (The transfer must be approved by a CFO.) The estate may also export the firearms to a country that allows them.

You can also ask the police to dispose of the firearms.

COMING INTO FORCE

The *Firearms Act* is being phased in from December 1, 1998 to January 1, 2003.

INFORMATION

For more information, or to order a copy of the *Firearms Act*, its regulations, application forms and other CFC publications, contact us at:

1 800 731-4000 (Toll Free)

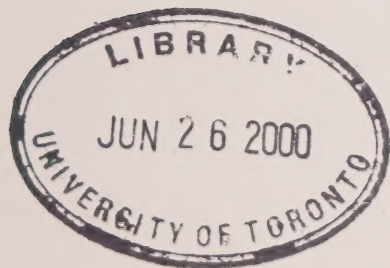
Web site: www.cfc-ccaf.gc.ca

e-mail: canadian.firearms@justice.gc.ca

This fact sheet is intended to provide general information only. For legal references, please refer to the *Firearms Act* and its regulations.

Provincial, territorial and municipal laws, regulations and policies may also apply.

Le présent feuillet d'information est également disponible en français.







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